THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.27186 OF 2005

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Dated: 21-12-2005

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Between

Y. Jayasudha, W/o. Y. Prabhakar,R/o. Satya

Residency, Jawaharnagar, Hyderabad.

...PETITIONER

AND

Station House Officer, Chikkadpalli Police station

Chikkadpalli, Hyderabad.

...RESPONDENT

ORDER:

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Petitioner seeks a Writ of Mandamus to declare the action of the respondent in summoning her to the police station and asking her to sign the documents relating to civil dispute in which she has no involvement is unconstitutional.

Learned counsel for the petitioner submits that petitioner is a married lady blessed with one child and residing in a flat at Satya Residency, Jawaharnagar, Hyderabad, having taken lease from the owner. The learned counsel further submits that there are certain disputes between the said owner and builders and the petitioner is unnecessarily dragged into the civil disputes. In the process, the police are interfering with the life and liberty of the petitioner calling her to the police station and asking her to sign certain documents relating to the civil disputes.

This Court is of the opinion that without any complaint/report being filed against the petitioner either by the owner, builders or any other private individual and without registering any case the police cannot summon the petitioner to the police station and interfere with the personal life and liberty of the petitioner. However, if there is any complaint/report, which prima facie discloses that the petitioner has committed a cognizable offence, it is always open for the police to take appropriate action.

Having regard to the facts and circumstances of the case,
the respondent is directed not to call the petitioner to the police station without there being any complaint/report and interfere with the personal life and liberty of the petitioner.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

December 21, 2005

Note: Furnish C.C. of the order in three days

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